

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TERRENCE M. BOOTH,

Plaintiff,

v.

Civil Action No. **3:20CV196**

C. WALTZ,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, has submitted this civil action complaining about his conditions of confinement. (ECF No. 1.) However, Plaintiff may not file an action in this Court *in forma pauperis* because he is barred by 28 U.S.C. § 1915(g). The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Booth v. Virginia*, No. 3:19CV216, 2019 WL 4738021, at *3 (E.D. Va. Sept. 27, 2019); *Booth v. Virginia Pilot-Ledger Star, LLC*, No. 3:19CV194, 2019 WL 6257750, at *3 (E.D. Va. Nov. 22, 2019); *Booth v. Noel*, No. 3:19CV128, 2019 WL 6257745, at *3 (E.D. Va. Nov. 22, 2019). Plaintiff's current submission does not suggest that he is in imminent danger of serious physical harm. Accordingly, any request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit a new complaint with the full \$400 filing fee. The full \$400 fee must be filed with any new complaint or the Court will dismiss the action. The Court will process any new complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: April 3, 2020
Richmond, Virginia



M. Hannah Lauck
United States District Judge